

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARISOL MONDRAGON,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Case No. 25-cv-03759-NC

**ORDER TO SHOW CAUSE AS
TO TIMELINESS OF
REMOVAL AND AMOUNT IN
CONTROVERSY**

Re: Dkt. No. 1

On April 30, 2025, Defendant Home Depot U.S.A., Inc. filed a notice of removal for an action brought by Plaintiff Marisol Mondragon in state court. ECF 1.

A defendant may remove a case from state court if the federal court would have had original subject matter jurisdiction over the matter, including based on diversity. 28 U.S.C. §§ 1441(a), (b). A notice of removal must contain a short and plain statement of the grounds for removal and basis for federal jurisdiction. 28 U.S.C. § 1446(a). Diversity jurisdiction requires that parties are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). A defendant must file a notice of removal within 30 days after receipt of a copy of the initial pleading or within 30 days of service of summons upon the defendant, whichever is shorter. 28 U.S.C. § 1446(b)(1). However, “if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise,

1 of a copy of an amended pleading, motion, order or other paper from which it may first be
2 ascertained that the case is one which is or has become removable.” 28 U.S.C.
3 § 1446(b)(3).

4 Here, Plaintiff filed her complaint in state court on March 14, 2025, and Home
5 Depot appears to have been served with summons on March 24, 2025. *See* ECF 1, Ex. A.
6 Home Depot filed its notice of removal more than 30 days later, on April 30, 2025. Home
7 Depot asserts that “Plaintiff has issued a demand in the amount of \$250,000” such that the
8 amount in controversy for diversity jurisdiction is met but provides no indication of when
9 and how such a demand was made. ECF 1 ¶ 6(c).

10 As such, Home Depot must file a written statement showing cause as to how
11 removal is timely and the amount in controversy is met by May 8, 2025. Plaintiff may
12 choose to file a response by May 15, 2025.

13 **IT IS SO ORDERED.**

14
15 Dated: May 1, 2025

16 
17 _____
18 NATHANAEL M. COUSINS
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28